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BOARD OF FORESTRY AND FIRE PROTECTION

Chico, CA
November 7, 2013

BOARD OF FORESTRY MEMBERS PRESENT:

Chair, J. Keith Gilles
Mark Andre
Stan Dixon
Bruce Saito
Mike Miles
Richard Wade
Stuart Farber
Mary Rickert

BOARD OF FORESTRY MEMBERS ABSENT: Susan Britting

BOARD STAFF:

George Gentry, Executive Officer
Matthew Dias, Executive Officer, Forester's Licensing
Eric Huff, Regulations Coordinator
Linda Cano, Executive Assistant

DEPARTMENTAL STAFF:

Janet Barentson, Chief Deputy Director
Janet Upton, Deputy Director of Communications
Bill Snyder, Deputy Director, Resource Management
Duane Shintaku, Asst. Deputy Director, Forest Practice

The Board's Mission:

To lead California in developing policies and programs that serve the public interest in environmentally, economically, and socially sustainable management of forest and rangelands and a fire protection system that protects and serves the people of the state.

Call to Order

Chair Gilless called the meeting of the Board of Forestry and Fire Protection to order.

Announcement of Actions Taken in Executive Session

No actions to report from Executive session. Executive Session will re-convene after the regular Board meeting to continue the discussion.

Approval of Minutes

Deferred

MONTHLY BOARD REPORTS

Report of the Chairman

Chair Gilless acknowledged and thanked the Butte Unit for hosting the Board of Forestry field trip tour and for their presentations. He thanked Unit Chief George Morris, Joe Tapia, Mike Shorrock, Darren Read, and Robert Sonsteng.

George Gentry acknowledged and thanked Bill Holmes, former Region Chief, Butte Unit for the help and encouragement he offered through the years. Bill Holmes introduced Doug Wenham as the new Region Chief for the Butte Unit.

Chair Gilless announced the passing of Bob Martin Professor, Berkeley and Bob Powers, Retired Forest Service.

Report of the Director/Department-Janet Barentson - Full Report available on the Board's website.

- Succession Planning: Janet Barentson announced the appointment of Duane Shintaku as Chief Deputy Director of Resource Management. There are two Resource Management, Assistant Deputy Director positions vacant. Bulletins are out for those positions. Assistant Region Chiefs are also vacant as of November 17 the exam for the position was given and it is hoped to have a list of eligible candidates within the next few weeks. Two Fire Protection Assistant Deputy Director positions are vacant as well. Kelly Keenan, Unit Chief, Amador-El Dorado is retiring; Mike Hasland has been named as his successor.
- Fire Season: Conditions have continued to be dry. Northern Region is going into winter preparedness. Southern Region is moving into transitional staffing in the Sierra. San Diego, Riverside and San Bernardino were waiting to see how expected storm systems affected conditions. There have been 1500 more fires this of a 5 year average to date.
- SRA Fee: Current billing cycle has been completed. A total of 77.2 million was collected last year. 43.4 million has been collected this billing cycle. Cal Fire has been asked by legislature and Board of Equalization to address homeowners whose homes were burned in the Clover Fire. The department has responded to the Board of Equalization, under current law they have the ability to defer payments or arrange payment plans but the current law does not allow to wave payments. There is an attorney in Redding who has agreed to a pro bono lawsuit for those who would like to file a claim against the department or the Board. The Howard-Jarvis lawsuit is still progressing; they are getting to the point where they will have to identify the class action suit. The department is discussing current year billing dates, with a possible date in March. The list has to be certified to the Board of Equalization by January 1.
- FireSTEPP and SB 1241 process Forester position interviews were held the first week of November. The Forestry A job announcements for the State Forests and Defensible Space positions have been posted on the State Personnel Board website. Timesheets have been

distributed for time reporting purposes regarding activities for SRA and FireSTEPP 1241 and defensible space process.

- Legislative Director, Caroline Godkin, has taken several staff, legislative and policy staff on tours to the Rim Fire and the Fire Academy to educate them on what Cal Fire does. The next tour scheduled is to the Conservation Camp Program to show how the reduction of inmates affects the department and how important the program is.
- California Fire Fighters Labor Union sponsored a tour for Senator Berryhill and Assembly member Grey to the Rim Fire.

Report of the Regulations Coordinator-Eric Huff

Road Rules, 2013	Adopted - Final Filing Pending
Class II-L Identification Methods Amendments, 2013	Adopted - Final Filing Pending
AB 1492-Lumber Products Assessment-Permanent Regulation	Approved 10/30/13
MTHP Amendments, 2013	Adopted 9/11/13 Final Filing Pending
§895.1 Commercial Species Amendments, 2013	Adopted - Final Filing Pending

Report of Executive Officer.

Forest Practice, Mark Andre, Chair

No Action Items

- Discussed Department of Forestry & Fire Protection Proposal to Amend 14 CCR § 1052 to Require Native American Notifications.
- Discussed Cumulative Effects in the THP process.
- Discussed of Oak Woodlands Restoration Issues. Plan to have a draft rule within the next few months. Discussed possible field trip to Oak Woodlands Restoration.
- Discussed NSO.

Resource Protection, Bruce Saito

No Action Items

- There was an update on the VTP EIR, discussed next steps and timelines.
- There was an update on Utility Vegetation Management and consideration of possible regulatory changes.
- Discussed AB 744 (Forest Fire Prevention Pilot Project Exemption) implementation.
- There was an update on Wildland Prevention Engineering.
- Discussed 2014 Agenda Items.
- Discussed GSOB.

Management, Stan Dixon

- There was an update on the Soquel Demonstration State Forest Management Plan.
- Discussed AB 904 (Working Forest Management Plans) implementation. It was decided to format the plan like a MTMP. Notice for public comment has been posted.
- Discussed 2013 Priorities: discussed were the Working force management plan, MTHP approach depending on Counsels advice, Soquel Management Plan, Reviewing Stewardship Conservation Easements on lands acquired from PG&E. Also discussed Effectiveness Monitoring Charter.

11-13-01 Member Farber moved to ask Board Counsel to put together a White Paper to research the authorities of the Board for developing alternative harvest plans for small landowners. Member Dixon seconded the motion. The motion passed unanimously.

Report of Board's Advisory Committees

- **Forest Pest Council-**
- **California Oak Mortality Task Force (COMTF)**

No report

- **Monitoring Study Group- Pete Cafferata (Full report can be found on the BOF website)**

There is a MSG meeting scheduled for December 10, in Redding. There are tentative presentations scheduled by Lowell Dillard, Green Diamond, Stuart Farber, Beaty and Associates, and Dr. Henly on Effectiveness Monitoring Committee.

- **Research and Science Committee- George Gentry**

No Report

- **Committee on Criminal Trespass- George Gentry**

Compiling information on the Marijuana Symposium and will have it completed for the December or January Board meeting for the Board's review.

- **Range Management Advisory Committee- George Gentry**

No report

- **Professional Foresters Examining Committee – Matt Dias**

Mr. Gary Ross RPF 1717 requested a withdrawal of his license due to retirement.

11-13-02 Chair Gilles moved to accept the withdrawal. Member Andre seconded the motion. The motion passed unanimously.

Mr. Dias noted the passing of the following foresters:

Mr. John Woolsey RPF # 2495
Mr. Max Doner RPF # 1275

SPECIAL BOARD HEARINGS/REPORTS

Presentation of the Butte County Unit Fire Plan. George Morris, Unit Chief and Joe Tapia, Butte Unit Pre-Fire Engineer.

The Butte Plan was selected by the Department as an outstanding example from the Northern region. Goals of the Plan are:

- Engage and participate with local stakeholder groups (i.e., fire safe councils and others) to validate and prioritize the assets at risk.
- Promote an increasing level of compliance with defensible space laws and regulations.
- Educate landowners, residents and business owners about the risks and their incumbent responsibilities of living in the wildlands, including applicable regulations, prevention measures and preplanning activities.

By implementing a multi-faceted plan, using a combination of pre-fire treatments, including fuels reduction, prescribed burning, defensible space inspections, fire-resistant building construction standards enforcement, land use planning, and fire safety education, the Unit strives to increase life safety and to reduce property destruction, environmental impacts, and fire suppression costs.

The Full Plan may be viewed at: <http://cdfdata.fire.ca.gov/pub/fireplan/fpupload/fpppdf1478.pdf>

Presentation by the PRC 4290 Workgroup on proposed modifications to the Title 14 regulations and process. Edith Hannigan (BOF) and Jana Luis (OSFM)

Ms. Hannigan presented on Safety Element review:

- The long-term blueprint for development in a jurisdiction, the General Plan includes 7 mandatory elements: Housing, Land Use, Circulation, Noise, Open Space, Conservation, and Safety
- 6 of those 7 elements are directly related to CAL FIRE and the Board's mission to protect California and the public
- More specifically, each county or jurisdiction containing SRA or VHFHSZ LRA must submit their Safety Element to the Board of Forestry for review and comment

Under development is a new Assessment Document, and a General Plan Guidance Document.

Ms. Luis presented on Fire Safe regulations:

Goals:

- Develop a Fire Safe Regulations Handbook utilizing, but not limited to, the Structure Fire Prevention Field Guide, Fire Planning and the General Plan guide. The handbook would be a technical document design to be used by Fire Planners and/or for the use of subdivision review.
- Consult with a traffic engineer for road evacuation capacity loads.
- Update Title 14, 1299, Defensible Space, to reflect changes of SRA Fire Safe Regulations.
- Develop a data system that can be queried to determine if PRC 4290 was a contributing factor to human injury or death and vehicle damage.
Do outreach and education to interested parties of the SRA Fire Safe Regulations and handbook.
- Print Title 14, SRA Fire Safe Regulations in the appropriate sections of Title 24, Part 9, Fire Code.
- Review the SRA Fire Safe Regulations on a more frequent interval.

Next Steps:

- Develop a discussion page of CCR Title 14, 1270, Fire Safe Regulations for stakeholders
- Continue to work PRC 4290 certification process, crossover work of SB 1241 and Safety Element
- Assist with webpage design with BOF staff
- Work toward the development of a Fire Safe Regulation Handbook

Presentations on Vegetation Management Projects. Mike DeLasaux (UCANR) and Frank Stewart, Plumas County Forester.

Full Presentations are available from the Board. Key points:

- Engage and participate with local stakeholder groups

- Educate landowners, residents and business owners about the risks and their incumbent responsibilities of living in the wildlands, including applicable regulations, prevention measures and preplanning activities
- Promote an increasing level of compliance with defensible space laws and regulations

Road Rules Hearing

Action Item: “Road Rules, 2013”. The Board tentatively adopted this rule package at the October meeting. The Board will consider adoption of the Final Statement of Reasons, Findings and Response to Comments.

11-13-03 Member Wade moved to delay the approval of the Final Statement of Reasons. Member Miles seconded the motion.

Chair Gilless called for a Roll Call vote

Saito	Yes
Andre	No
Wade	Yes
Dixon	Yes
Miles	No
Farber	No
Rickert	No
Gilless	No

The motion failed 5 to 3

11-13-04 Member Andre moved to adopt the Final Statement of Reasons. Member Farber seconded the motion.

Chair Gilless called for a Roll Call Vote.

Saito	Yes
Andre	Yes
Wade	No
Dixon	Yes
Miles	Yes
Farber	Yes
Rickert	Yes
Gilless	Yes

The motion passed 7 to 1

Board Hearing on Rules improvement: To assure the timely dissemination and effective implementation of rule language, as well as to assist and improve subsequent rulemaking efforts the Board is requesting public comment, and a presentation by the Department, addressing the following:

1. Areas where questions exist on interpretation of the regulatory standards, including potential solutions.
2. Issues encountered in achieving compliance with the regulatory standard of rules, including potential solutions.
3. Suggested regulatory modifications which would either a) clarify existing rule language to better achieve the intended resource protection, or b) which would reduce regulatory inefficiencies and maintain the same or better level of protection.

Public Comment

Bill Key, California Licensed Foresters Association, asked for a one year protocol for surveying for Northern Spotted Owls for at the very least, small landowners and NTMP holders. Timelines in the Forest Practice Rules regarding slash treatment should recognize that burning slash is the largest potential economic exposure facing landowners during operation and allow for slash to be treated in appropriate climatic windows. The issue of criminal trespass should be aggressively addressed to make the woods a safer place.

Eric Carlson, Associated Loggers referenced a letter that was sent to the Board regarding LTO priorities in California.

Ed Struffenegger, California Forestry Association, mentioned two issues that the association sees as priorities, the promulgation of simple and effective rule for pursuant to AB 744 and moving forward with the Effectiveness Monitoring Committee.

CONCLUSION

Public Forum

New and Unfinished business

None

Adjourn to Executive Session

Reconvene, announcements of Action Taken in Executive Session

In the Matter of the Complaint for Administrative Penalties Against: Daniel Kruger, President, Soper Company, Soper-Wheeler Company, Soper LLC, 19855 Barton Hill Road, Strawberry Valley, CA 95981, Timber Operator License No. A559

The Board reviewed the draft decision, made some changes to the draft decision and approved a final decision adopting the Administrative Law Judge's finding that the respondent violated California Code of Regulations, title 14, section 1039 and upheld the administrative penalty of \$1000. The Board made additional findings regarding violation of Public Resources Code section 4581 and vacated the administrative penalty of \$10,000. In addition, the Board found no violation of Public Resources Code section 4621, subdivision (a) and vacated the administrative penalty of \$10,000.

Adjourn

Respectfully submitted,

ATTEST:

George D. Gentry
Executive Officer

Keith Gilles
Chairman

Copies of the attendance sheets can be obtained from the Board Office.